

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN. MEMPHIS

TONY BRYANT,

Plaintiff,

vs.

JO ANNE BARNHART,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

X
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X

No. 05-2448-M1/P

ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 1406(a)

Plaintiff Tony Bryant, Bureau of Prisons inmate registration number 19189-076, an inmate at the Federal Correctional Institution in Forrest City, Arkansas, filed a pro se complaint pursuant to 42 U.S.C. § 405(g) on June 17, 2005, accompanied by an application to proceed in forma pauperis and a certified copy of his inmate trust fund account statement. Because this case is being transferred, the filing fee issue should be addressed by the transferee court. The Clerk shall record the defendant as Jo Anne Barnhart, Commissioner of Social Security.

Pursuant to 42 U.S.C. § 405(g), a civil action "shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the United States District Court for the District of Columbia." The fact that the

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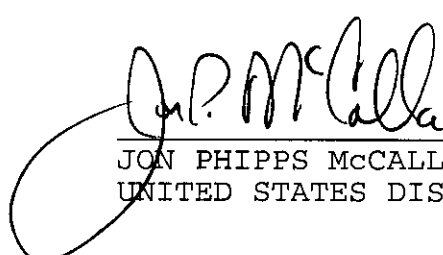
plaintiff resided in this district prior to his incarceration, and that he desires to return to this district after his release from prison, which is not imminent, have no bearing on the fact that he currently resides in Forrest City, Arkansas, which is outside the Western District of Tennessee. Accordingly, the complaint asserts no basis for venue in this district.

Twenty-eight U.S.C. § 1406(a) states:

The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

Forrest City is in Saint Francis County, which is in the Eastern Division of the Eastern District of Arkansas. 28 U.S.C. § 83(a)(1). Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. § 1406(a), that this case is TRANSFERRED, forthwith, to the Eastern District of Arkansas, Eastern Division.

IT IS SO ORDERED this 31 day of August, 2005.



JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02448 was distributed by fax, mail, or direct printing on September 2, 2005 to the parties listed.

Tony Bryant
Federal Correctional Complex
Reg. No.
Post Office box 9000
Forrest City, AR 72336

Honorable Jon McCalla
US DISTRICT COURT